THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.27698 of 2005

28.12.2005

BETWEEN

Dr.Farooq Ahmad, s/o Gulam Mohd. Wani and another

.....PETITIONERS

AND

The Central Council for Indian Medicine, rep. By its Secretary, 61-65 Instituional area, Janakpuri, New Delhi and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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ORDER:

The petitioners were selected and sponsored by the Central Government for admission into post-graduate medical courses in Unani in the third respondent-College for the academic year 2005-06. The first petitioner is a Government Medical Officer from the State of Jammu and Kashmir, with 16 years of service; and the second petitioner is on teaching side, for the past five years, from the State of Tamilnadu. Both of them were admitted in the third respondent-College on 07.03.2005.

The petitioners contend that according to the curriculum stipulated by the Central Council for Indian Medicine, first respondent herein, candidates with six years of government service, or three years of teaching experience, are entitled to be admitted, straight away into the second year, and relied upon certain directions issued from time to time, in this regard. They state that though they have been requesting the third respondent to permit them to join second year classes, they have not been extended the necessary relief. Hence, the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Medical and Health, and the learned Standing Counsel appearing for the second respondent-University

The first respondent framed a curriculum for the post-graduate

courses in Unani medicine. Clause-5 thereof stipulates the duration of the course as three years, for MD and MS. A note is added to the provision to the effect that in case of teachers of recognised Unani colleges, Medical Officers and Research Officers, the duration shall be two years. It was in this context that the competent authority has been addressing letters to the third respondent-College year after year to admit such candidates straight away into second year.

This Court finds an unsurmountable difficulty in granting relief to the petitioners at this stage. The reason is that the course, be it of first year or second year, commenced in the month March, 2005. Had the petitioners approached this Court at the right earnest, necessary relief could have been granted. By now, more than 3/4th of the course, be it of first year or second year, is completed. The petitioners cannot be admitted in the second year of the course at its fag end. The Supreme Court, and in fact, the Medical Council of India had fixed a time frame for commencing and conclusion of admissions in respect of Allopathy courses. The object was that the candidates admitted into the course must undergo instructions completely, and that midstream admissions must be avoided. When such an emphasis is added by the Supreme Court, it is rather difficult to accede to the request of the petitioners for permitting them to join the second year of post-graduate course, at this stage.

The writ petition is accordingly dismissed. However, it shall be open to the petitioners to make necessary representation to the respondents and in case, it becomes feasible for them to accede to the request of the petitioners, necessary action thereon shall be taken uninfluenced by any of the observations made herein. No costs.

28.12.2005

VGB